

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the)	
relation of State Engineer,)	
)	
Plaintiff,)	
)	69cv07941- JEC-ACE
-v-)	
)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.,)	
)	
Defendants.)	
)	

**MOTION OF SPECIAL MASTER
FOR INTERIM FEES AND EXPENSES**

TO: The Honorable John E. Conway
United States District Judge

FROM: Vickie L. Gabin
Special Master

A Motion requesting the Court to approve interim fees and expenses, a brief summary of the work performed, and the Special Master's Declaration in support of Motion

This Motion is submitted pursuant to the Administrative Order entered February 23, 1995, regarding the manner in which the Special Master, law clerk, data manager and other personnel required by the Special Master are paid for services, costs, expenses and New Mexico gross receipts taxes related to this adjudication. The Special Master hereby moves for an order of the Court approving interim fees and expenses for work performed in this case from July 1, 2002, through December 31, 2002. Most of the fees and expenses have already been paid from the trust account.

I. WORK PERFORMED

A. Case management

The court's data manager continues to track all water rights information contained in newly filed consent orders for Sections 3 (Rios Cebolla, Canjilon and Las Nutrias), Section 5 (Rio Gallina), and Section 7 (Tierra Amarilla). I continue to review and approve consent orders, acknowledgments, and motions relevant to subfile activity in these sections. The Office of the State Engineer's hydrographic survey staff is working steadily to complete surveys and hold field sessions to meet with individual water rights claimants who have problems with their consent orders.

B. Section 5 adjudication

I entered miscellaneous scheduling and discovery orders for the litigation of disputed subfile hearings in the Gallina Section, held a pretrial conference September 4, and participated in a field trip to survey disputed claims in October.

C. Section 3 adjudication

The adjudication of individual water rights claimants proceeds, and numerous consent orders have been processed and filed.

D. Section 7 adjudication

The Procedural Order entered November 19, 2002 (No. 6939) guides the course of the adjudication of Section 7 water rights claims. Numerous consent orders have been processed and filed. The Canoñes Creek subsection section of the hydrographic survey was filed December 26, 2002, and only the Village of Chama subsection remains.

E. Other non-federal defendant activity

I held a hearing on El Rito Community Ditch Association's motion to enforce partial final

decree and enjoin further diversion of water November 13, and reviewed and approved the proposed settlement agreement entered into by the parties.

F. Pending reports

While day-to-day case management of the federal cases takes the majority of my time, work continues on two pending special master reports - the United States' Wild and Scenic River claims, and priorities for three mainstem acequias.

G. Federal and Indian water rights claims

The State is still formulating its position with respect to certain legal issues. I entered an amended scheduling order (No. 6832) was entered, and anticipate a status conference in 2003.

II. DECLARATION

DECLARATION OF SPECIAL MASTER IN SUPPORT OF MOTION

I, Vickie L. Gabin, declare that the work described above is the basis for my fee application, and that the work of data manager Karla McCall, Geta A. Gatterman, paralegal and administrative assistant, has been completed as described. Hourly records of work performed are available from the contractors if needed.

Dated: March 8, 2003

/electronic signature/
VICKIE L. GABIN, SPECIAL MASTER